

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	
)	
Angela Carter-Banks)	Case No. 19-35923-KRH
)	
Debtor)	Chapter 13
)	
Address)	
5817 Spruce Valley Dr)	
Fredericksburg, VA 22407)	
)	
Last four digits of Social Security or Individual)	
Tax-payer Identification (ITIN) No(s): 2696)		

NOTICE OF MOTION AND HEARING

Performance Finance has filed papers with the court to move the court for relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days from the date of service of this motion, you or your attorney must:

File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

You must also mail a copy to:

Sara A. John, M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, VA 23452.

Sara A. John, VSB #48425
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, Virginia 23452
757-498-9600
sara_john@eppspc.com
Counsel for Plaintiff

NOTICE IS HEREBY GIVEN that a hearing on this Motion will be convened on January 20, 2021 at 11:00 AM. NOTICE IS HEREBY GIVEN that the hearing will be conducted by video conference via Zoom for Government in accordance with General Order 20-5. Any participant wishing to appear via Zoom for Government must pre-register. Parties wishing to participate in hearings via Zoom for Government must transmit, via e-mail, a completed request form, linked here https://www.vaeb.uscourts.gov/wordpress/?wpfb_dl=871 as a PDF-fillable request form (and also attached hereto), by the requesting party to the appropriate bankruptcy judge's chambers, as follows: [EDVABK-ZOOM-Judge Huennekens@vaeb.uscourts.gov](mailto:EDVABK-ZOOM-Judge.Huennekens@vaeb.uscourts.gov).

Absent compelling circumstances, the request form should be submitted no later than two (2) business days prior to the hearing or proceeding. The appropriate bankruptcy judge's chambers will then provide the requesting party with a registration link. All participants must separately register for the video conference no later than one (1) business day prior to the hearing or proceeding. Persons that register will receive separate email notification on whether their registration has been approved or denied. In the event that registration is approved, the confirmation email will include the participant's unique link to the video conference.

UNDER NO CIRCUMSTANCES MAY ANY PARTICIPANT OR LISTENER RECORD OR BROADCAST THE PROCEEDINGS.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: December 16, 2020

Signature and name of person giving notice:

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.
Counsel for Performance Finance

Certificate of Service

I hereby certify that on December 16, 2020 I mailed or electronically served a true copy of the foregoing Notice of Motion to: Angela Carter-Banks, 5817 Spruce Valley Dr, Fredericksburg, VA 22407; Jamie Demonde Banks, 5817 Spruce Valley Dr, Fredericksburg, VA 22407; Carl M. Bates, Trustee, P.O. Box 1819, Richmond, VA 23218; and Tommy Andrews, Jr., Counsel to Debtor, 122 N. Alfred Street, Alexandria, VA 22314.

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.

**Request for Zoom Registration Link for Court Appearances Before the
United States Bankruptcy Court for the Eastern District of Virginia**

Person(s) Seeking
to Register:¹

Case Name:

Case Number:

Hearing / Trial Date:

Hearing / Trial Time:

 ☐ AM or ☐ PM

Method of Attendance (*Check one*):

- ☐ Computer Only
☐ Telephone Only
☐ Computer and Telephone

¹ Each person wishing to appear must separately register using the registration link.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	
)	
Angela Carter-Banks)	Case No. 19-35923-KRH
)	
Debtor)	Chapter 13
)	
)	
TO: Jamie Demonde Banks, Co-Debtor)	
)	
Address 5817 Spruce Valley Dr)	
Fredericksburg, VA 22407)	

NOTICE OF MOTION AND HEARING

Performance Finance has filed papers with the court to move the court for relief as to Co-Debtor.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before twenty-one (21) days from the date of service of this motion, you or your attorney must:

File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

Angela Carter-Banks

Case No. 19-35923-KRH

Debtor.

Chapter 13

Performance Finance,

Plaintiff,

v.

Angela Carter-Banks, Debtor,
Jamie Demonde Banks, Co-Debtor,
and
Carl M. Bates, Trustee,

Defendants.

**MOTION FOR RELIEF FROM STAY
AND FOR RELIEF AS TO CO-DEBTOR PURSUANT TO 11 U.S.C § 1301 (c)(3)**

To the Honorable Judges of the Aforesaid Court:

For its Motion for Relief from Stay and for Relief as to Co-Debtor Pursuant to 11 U.S.C. § 1301 (c)(3), Performance Finance, Plaintiff, by counsel, states as follows:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.
2. Debtor herein owns an interest in the following motor vehicle, to-wit: a 2018 Indian

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M. Richard Epps, P.C.
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757-498-9600
sara_john@eppspc.com
Counsel for Plaintiff

Motorcycle Scout Bobber, VIN 56KMTA004J3138178 (the “vehicle”).

3. Plaintiff, Performance Finance, is a secured creditor of Debtor, being secured by a security interest in the vehicle with its lien duly noted on the certificate of title.

4. On November 9, 2019, Debtor filed a petition for relief under 11 U.S.C. Chapter 13. Debtor has filed a Chapter 13 plan.

5. Under the terms of the plan, Debtor proposed to pay Plaintiff post-petition payments outside of the plan.

6. Debtor is in default in the making of the post-petition payments and is presently due for the October 16, 2020 through December 16, 2020 payments for post-petition arrearages totaling \$837.05 with a payoff of approximately \$9,545.75 on the security agreement. Plaintiff does not have evidence of insurance on the vehicle. Plaintiff has incurred attorney’s fees and costs for filing this Motion.

7. Jamie Demonde Banks is a Co-Debtor of Debtor and is jointly liable on the obligation to Plaintiff. Co-Debtor is also a co-owner of the vehicle.

8. Under the provisions of 11 U.S.C. § 1301, Plaintiff herein has been precluded from seeking recovery of its claim from the Co-Debtor. Pursuant to 11 U.S.C. § 1301 (c)(3), Plaintiff is entitled to relief from the stay as to the Co-Debtor.

9. That Plaintiff lacks adequate protection.

10. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

WHEREFORE, Plaintiff moves the Court for relief from the automatic stay as to the above-described property pursuant to 11 U.S.C. § 362 and for relief as to the Co-Debtor

pursuant to 11 U.S.C. § 1301 (c)(3) so that it may proceed in accordance with state law.

Performance Finance

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.

Certificate of Service

I hereby certify that on December 16, 2020 I mailed or electronically served a true copy of this Motion for Relief from Stay and for Relief as to Co-Debtor Pursuant to 11 U.S.C. § 1301 (c)(3) to: Angela Carter-Banks, 5817 Spruce Valley Dr, Fredericksburg, VA 22407; Jamie Demonde Banks, 5817 Spruce Valley Dr, Fredericksburg, VA 22407; Carl M. Bates, Trustee, P.O. Box 1819, Richmond, VA 23218; and Tommy Andrews, Jr., Counsel to Debtor, 122 N. Alfred Street, Alexandria, VA 22314.

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Counsel for Plaintiff